

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leslie Bookoff on 30 April 2009.

The application has been amended as follows:

Claim 2: "The device of claim 1, wherein the cutting portion selectively couples to the open top of the elongate container and defines a through hole in flow communication with the open top of the elongate container, the cavity of the elongate container, and the open bottom of the elongate container."

Claim 4: "The device of claim 3, wherein the lower jaw includes a through hole in flow communication with the open top of the elongate container and the open bottom of the elongate container, and wherein the lower jaw is coupled to the open top of the elongate container such that the through hole is in flow communication with the open top of the elongate container, the cavity of the elongate container, and the open bottom of the elongate container."

Claim 5: "The device of claim 3, wherein the upper jaw includes a protrusion configured to push the plurality of tissue samples into the cavity of the elongate container."

Claim 15: "The device of claim 14, wherein the cutting portion selectively couples to the open top of the elongate container and defines a through hole in flow communication with the open top of the elongate container, the cavity of the elongate container, and the open bottom of the elongate container."

Claim 17: "The device of claim 16, wherein the lower jaw includes a through hole, and wherein the lower jaw is coupled to the open top of the elongate container such that the through hole is in flow communication with the open top of the elongate container, the cavity of the elongate container, and the open bottom of the elongate container."

Claim 18: "The device of claim 16, wherein the upper jaw includes a protrusion configured to push the plurality of tissue samples into the cavity of the elongate container."

2. The following is an examiner's statement of reasons for allowance: a medical device with an elongate container having a cavity for storing a plurality of tissue samples, with an open top and an open bottom in flow communication with the open top; a cutting portion coupled to the open top and configured to cut the plurality of tissue samples; wherein a portion of the elongate container has an hourglass shape configured to prevent tissue samples smaller than the open bottom from exiting the container via the opening bottom; and a flushing device that mates with the elongate container, the flushing device comprising: an elongate member defining a receiving cavity, an open top, and an open bottom; and a nozzle within the elongate member between the open bottom of the elongate member and the receiving cavity, wherein the

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nozzle extends from the open bottom of the elongate member into and within the receiving cavity is not found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. LLOYD whose telephone number is (571)272-2951. The examiner can normally be reached on Monday through Friday 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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